

# Exhibit 67

April 7, 2023



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*Via Electronic Transmission:*

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RE: Strickland v. United States (1:20-cv-00066-WGY)

Dear Mr. Kolsky, Ms. Westmoreland, and Ms. McMahon:

We are writing to follow up on our March 31, 2023 conference call, during which we stated that we would discuss your questions regarding discovery with Plaintiff. Below are our responses from that inquiry.

*Defendants' Doc. Request No. 8:* Defendants requested “[a]ll documents referring to, describing, or otherwise reflecting economic injuries for which Plaintiff seeks damages in the instant action, including but not limited to documents relating to mitigation and attempts to pursue other employment opportunities.” In response, Plaintiff explained that the Fourth Circuit upheld the dismissal of her claims for damages, and that failure to mitigate damages was not properly raised in Defendants’ Answer and is not part of this case. Plaintiff’s Response to Def.’s RFP No. 8. Nevertheless, because Plaintiff is seeking equitable relief for her lost future earnings (front pay), she provided IRS wage and income transcripts for all years from 2014 to present. Plaintiff also provided all pay vouchers she has received since beginning her current employment and will continue to do so on a rolling basis, including as an attachment to the email relaying this letter.

Plaintiff has produced responsive documents representing her income for nearly the past ten years. As Plaintiff previously stated, other documents showing her finances would be redundant and violate her

*Interrogatory No. 20:* Defendants requested that Plaintiff provide information regarding each recording produced in discovery, including the date of the recording, the parties to the conversation, and the method by which the conversation was recorded. Plaintiff has already provided this information for many of the recordings as part of her privilege log, served on March 25, 2023. With this letter, Plaintiff has produced a chart with the remaining recordings not captured by her privilege log.

Defendants requested a similar chart for the recordings that Plaintiff did not produce because they do not contain any information relevant to this litigation. In her review, Plaintiff discovered one additional recording that she had inadvertently overlooked and has included that in the log as well. Although Plaintiff is not required to create a privilege log for information that is not relevant to any claim or defense, she has added information regarding those recordings in the spirit of cooperation and transparency.

Respectfully,

/s/ Olivia Warren  
Olivia Warren

/s/ Jeannie Suk Gersen  
Jeannie Suk Gersen

*Counsel for Plaintiff*

**Strickland v. United States, No. 20-cv-66**

**Plaintiff's RECORDINGS Privilege Log**

|   | <b>Date Range (on or about)</b> | <b>Doc. Type</b> | <b>Sender(s)/Recipient(s)</b>  | <b>Category Description</b> | <b>Privilege Justification</b> | <b>Docs. Withheld/Redactions</b> |
|---|---------------------------------|------------------|--|-----------------------------|--------------------------------|----------------------------------|
| 1 | August 9, 2018 <sup>1</sup>     | Audio Recording  | Tony Martinez/Caryn Strickland   | n/a                         | n/a                            | n/a                              |
| 2 | February 26, 2019               | Audio Recording  | Ed Smith/Caryn Strickland/Cooper Strickland                                | n/a                         | n/a                            | n/a                              |
| 3 | February 12, 2019               | Audio Recording  | Ed Smith/Caryn Strickland  | n/a                         | n/a                            | n/a                              |
| 4 | March 8, 2019                   | Audio Recording  | Relevant Speakers: Ed Smith/Caryn Strickland/Cooper Strickland/Judge Floyd | n/a                         | n/a                            | n/a                              |
| 5 | February 7, 2019                | Audio Recording  | Ed Smith/Caryn Strickland/Cooper Strickland                                | n/a                         | n/a                            | n/a                              |
| 6 | November 27, 2018               | Audio Recording  | James Ishida/Caryn Strickland/Cooper Strickland                            | n/a                         | n/a                            | n/a                              |

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<sup>1</sup> This recording was provided to Heather Beam as part of the EDR investigation. Mr. Martinez's statements that were captured on the recording were part of the basis for subsequent disciplinary action against him. *See* Bates Nos. US1244, 1312.

With one exception noted below, all recordings were taken by audio recorder. As noted in Plaintiff's prior correspondence, the name of each file is preserved according to the original format provided by the device, with the exception of any relevant identifiers of "redacted" or "confidential" provided by Plaintiff. Each file name contains the date of and time of the recording as created by the device (for example, "181005\_1434" represents October 5, 2018, at 2:34 p.m.).

|    |                    |                 |  |   |   |                    |
|----|--------------------|-----------------|--|---|---|--------------------|
| 7  | May 7, 2019        | Audio Recording | James Ishida/Caryn Strickland/Kim Llewelyn                   | n/a   | n/a                                       | n/a                |
| 8  | January 17, 2019   | Audio Recording | James Ishida/Caryn Strickland/Kim Llewelyn/Cooper Strickland | n/a   | n/a                                       | n/a                |
| 9  | January 9, 2019    | Audio Recording | James Ishida/Caryn Strickland/Kim Llewelyn/Cooper Strickland | n/a   | n/a                                       | n/a                |
| 10 | September 5, 2018  | Audio Recording | James Ishida/Caryn Strickland                                | n/a   | n/a                                       | n/a                |
| 11 | September 18, 2018 | Audio Recording | James Ishida/Caryn Strickland/Cooper Strickland              | n/a   | n/a                                       | n/a                |
| 12 | November 8, 2018   | Audio Recording | Kelly Johnson/Caryn Strickland                               | FDO client identifying info, FDO work product information and internal discussion of FDO cases <sup>2</sup> | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |

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<sup>2</sup> Because the redactions of FDO related information concern many different clients, proceedings, and case assignments, a categorical description of the basis for redaction is provided throughout this document. Counsel are available to meet and confer regarding any specific questions pertaining to the redactions.

|    |                    |                 |   |  |   |                    |
|----|--------------------|-----------------|---|--|---|--------------------|
| 13 | September 13, 2018 | Audio Recording | Amaal Scroggins/Caryn Strickland                      | n/a  | n/a                                       | n/a                |
| 14 | August 21, 2018    | Audio Recording | Josh Carpenter/Caryn Strickland                       | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 15 | September 6, 2018  | Audio Recording | Ivette Arroyo-Becker/Caryn Strickland                 | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 16 | March 11, 2019     | Audio Recording | Tony Martinez/Caryn Strickland                        | n/a  | n/a                                       | n/a                |
| 17 | September 7, 2018  | Audio Recording | FDO All Staff Meeting: Relevant Speaker Tony Martinez | n/a  | n/a                                       | n/a                |
| 18 | August 23, 2018    | Audio Recording | Phil Likins/Caryn Strickland                          | n/a  | n/a                                       | n/a                |
| 19 | September 14, 2018 | Audio Recording | Josh Carpenter/Caryn Strickland                       | n/a  | n/a                                       | n/a                |
| 20 | March 11, 2018     | Audio Recording | Bill Moormann/Caryn Strickland                        | n/a  | n/a                                       | n/a                |

|    |                  |                 |                                |  |   |  |
|----|------------------|-----------------|--------------------------------|--|---|--|
| 21 | August 30, 2018  | I Phone         | Brian Wise/Caryn Strickland    | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Irrelevant portion of recording withheld |
| 22 | March 8, 2019    | Audio Recording | FDO All staff meeting          | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld                       |
| 23 | February 8, 2019 | Audio Recording | FDO All staff meeting          | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld                       |
| 24 | October 5, 2018  | Audio Recording | FDO All staff meeting          | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld                       |
| 25 | August 27, 2018  | Audio Recording | Kelly Johnson/Caryn Strickland | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld                       |

|    |                   |                 |                                 |  |   |                    |
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| 26 | January 23, 2019  | Audio Recording | Kelly Johnson/Caryn Strickland  | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 27 | December 4, 2018  | Audio Recording | Kelly Johnson/Caryn Strickland  | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 28 | October 30, 2018  | Audio Recording | Josh Carpenter/Caryn Strickland | n/a  | Relevancy<br>(vm asking to call back)     | Recording withheld |
| 29 | August 21, 2018   | Audio Recording | Josh Carpenter/Caryn Strickland | n/a  | Relevancy<br>(vm asking to call back)     | Recording withheld |
| 30 | February 26, 2019 | Audio Recording | Josh Carpenter/Caryn Strickland | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 31 | October 4, 2019   | Audio Recording | Josh Carpenter/Caryn Strickland | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |



|    |                   |                 |                               |  |   |                    |
|----|-------------------|-----------------|-------------------------------|--|---|--------------------|
| 32 | January 11, 2019  | Audio Recording | FDO “Appellate Team” Meeting  | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 33 | October 29, 2018  | Audio Recording | Jared Martin/Caryn Strickland | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 34 | February 6, 2019  | Audio Recording | FDO Meeting (Trial Case)      | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 35 | December 21, 2018 | Audio Recording | FDO “Appellate Team” Meeting  | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 36 | October 5, 2018   | Audio Recording | FDO “Appellate Team” Meeting  | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |

|    |                  |                 |                                 |  |   |                    |
|----|------------------|-----------------|---------------------------------|--|---|--------------------|
| 37 | February 8, 2019 | Audio Recording | FDO Meeting (Trial Case)        | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 38 | January 25, 2019 | Audio Recording | FDO All staff meeting           | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 39 | October 1, 2018  | Audio Recording | FDO “Appellate Team” Meeting    | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 40 | October 12, 2018 | Audio Recording | Josh Carpenter/Caryn Strickland | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |
| 41 | October 19, 2018 | Audio Recording | FDO All staff meeting           | FDO client identifying info, FDO work product information and internal discussion of FDO cases | AC privilege<br>WP privilege<br>Relevancy | Recording withheld |